Supreme Court of the United States.

OCTOBER TERM, 1905.

No. 73.

THE OTIS COMPANY,
PLAINTIFF IN ERROR,

v.

THE LUDLOW MANUFACTURING COMPANY and THE LUDLOW CORDAGE COMPANY.

IN ERROR TO THE SUPERIOR COURT OF THE STATE OF MASSACHUSETTS.

Motion of the Plaintiff in Error.

And now comes the plaintiff in error, and moves this Honorable Court to amend the judgment herein, by ordering the final disposition of the plaintiff's bill to be deferred, pending the determination of the plaintiff's right to damages either in the proceedings under the statute or under said bill ; and, in support of said motion, says that the trial of the pending bill of complaint before the master actually occupied twenty-four days : that the preparation therefor consumed

a very much longer period; that the actual cash disbursements made by the plaintiff for the trial thereof in the state courts, including compensation to counsel, witnesses, experts, stenographers, and similar incidentals, exceeded twenty-five thousand dollars ($25,000); and that in case the plaintiff's bill should be dismissed without prejudice, and the state court should give to the Mill Act an interpretation violating the plaintiff's right to just compensation, the plaintiff, in order to protect its aforesaid constitutional right, would be put to great expense and delay incidental to bringing and trying another and similar bill of complaint to establish the facts and present the constitutional question disclosed by the record in the present suit, and further says that the judgment so amended will leave the State Court entirely free in the case at bar to establish the rule of damages under the statute if it sees fit so to do.

Byd B. Jones
of Counsel for plff in error

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss. MARCH 1906.

I, Boyd B. Jones, of counsel for the plaintiff in error, on oath depose and say, upon my personal knowledge, that the facts stated in the foregoing motion are true, before me.

Charles M. Dowse
Notary Public.